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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,219	06/28/2006	Krister Hansson	TPP 32005	9825
74217 7590 03/18/2008 NOVAK, DRUCE + QUIGG L.L.P. 1300 Eye Street, N.W. 1000 West Tower Washington, DC 20005				
EXAMINER				
TOLIN, MICHAEL A				
ART UNIT		PAPER NUMBER		
1791				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/580,219

**Applicant(s)**

HANSSON ET AL.

**Examiner**

MICHAEL A. TOLIN

**Art Unit**

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4,6-14 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-14 and 16-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-083)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

1. Claims 1, 2, 4, 6-14, and 16-20 are objected to because of the following informalities. Appropriate correction is required.

Regarding claim 1, line 10, "amino presence of resin" should read --presence of amino resin-- to correct a grammatical error.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 10-14 and 18-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding the new language in claims 10-12, the examiner does not find support in the original disclosure for a wear layer comprising a thermosetting resin selected from the group consisting of melamine-formaldehyde resin, phenol-formaldehyde resin, urea-formaldehyde resin and mixtures thereof **and additionally** comprising an amino resin, an amino resin/cellulose mixture, or an amino resin impregnated cellulose layer or

layers. The original claim language of claims 10-12 did not indicate that the wear layer further comprises one of these components, but rather that the wear layer *is comprised* of one of these components. Applicant's specification explains on page 2, lines 12-17 that the wear layer can comprise one of these components listed in claims 10-12, but does not provide any indication that they can be used in combination with a thermosetting resin selected from the group listed in claim 1. Rather, one of ordinary skill in the art reading the specification would have recognized that the amino resin recited in the above noted portion of the specification is the thermosetting resin rather than an additional component. Accordingly it does not appear Applicants possessed at the time of the invention the new limitation of the thermosetting resin of claim 1 in combination with one of the additional components recited in claims 10-12.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 4, 6, 7, 10-14, and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson (US 6565919) in view of Sano (US 2002/0077384).

The rejection set forth in numbered paragraph 6 of the previous office action mailed 28 September 2007 is incorporated herein.

Regarding the new language in claim 1, as set forth in the previous office action, the improved bonding is inherent in the use of the printing ink of Sano in the process of Hansson.

Regarding the new "additionally comprises" language in claims 10-12, the additional amino resin, amino resin/cellulose mixture, or amino resin impregnated cellulose layer or layers are all satisfied by Hansson's teaching of a wear layer comprising one or more sheets of cellulose impregnated with melamine-formaldehyde resin. Melamine-formaldehyde resin is an amino resin, and the plural layers taught by Hansson satisfy the claimed "additional" layers.

6. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson in view of Sano as applied to claims 1, 2, 4, 6, 7, 10-14, and 16-20 above, and further in view of Shultz (US 2003/0039810).

The claims are rejected here for the reasons set forth in numbered paragraph 7 of the previous office action.

### ***Response to Arguments***

7. While the amendment to claim 10 does overcome the objection in the previous office action, as noted above it appears to add new matter.

8. Applicant's amendment has overcome the previous rejection under 35 USC 112 second paragraph.

9. Applicant's arguments filed 21 November 2007 have been fully considered but they are not persuasive.

Applicant argues that neither Hansson nor Sano teaches printing a decorative layer on the base layer where the decorative layer comprises a printing ink and wherein the printing ink comprises an amino resin. Neither reference was relied upon for teaching all of these limitations. Rather, Hansson was applied for printing a decorative layer on the base layer and Sano was applied for the particular ink composition. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant argues that Hansson teaches providing a decorative layer on a supporting core rather than printing on a supporting core. The examiner disagrees. Hansson prints a decorative layer on the supporting core (column 10, lines 2-3). See previous office action, page 3, numbered paragraph 6. See also Hansson (column 1, lines 60-63).

Applicant argues that the wear layer of Hansson is an acrylic lacquer and that Hansson does not teach a wear layer comprising melamine-formaldehyde resin. Applicant is pointing to one embodiment while ignoring the embodiment relied upon by the examiner. See Hansson, column 3, lines 54-57, which reads "According to one embodiment of the invention, the translucent wear layer is constituted of one or more

sheets of  $\alpha$ -cellulose which are impregnated with melamine-formaldehyde resin." See also Hansson, claim 20.

Applicant argues that there is no teaching of increasing the bonding by the presence of an amino resin in the printing ink. This has been acknowledged in the previous office action. The examiner's position was that the improved bonding would be inherently achieved when using the printing ink of Sano since Sano's ink contains an amino resin. Applicant has not provided any objective evidence to rebut the examiner's assertion of inherency. See MPEP 2112.

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL A. TOLIN whose telephone number is (571)272-8633. The examiner can normally be reached on M-F 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael A Tolin/  
Examiner, Art Unit 1791

/Richard Crispino/  
Supervisory Patent Examiner, Art Unit 1791